

ANALYSIS OF SUPREME COURT OPINION DEALING WITH JUVENILE COURT

In the two cases entitled Emil Mill vs. the juvenile court, and in re Salberg, the following were the principal questions presented to the supreme court:

First—Was it competent for the legislature, in view of subdivision 29 of article 4 of the constitution, to create a commission to have control of the juvenile court, including the appointment of the judge thereof?

Second—Is the act creating the court unconstitutional because it fails to prescribe that the juvenile delinquent shall have the same rights and safeguards that are guaranteed to defendants in criminal cases?

Third—Did Emil Mill, the father of the delinquent, have a sufficient or any hearing as to his rights of guardianship over his child? That is to say, was there any sufficient hearing or finding as disclosed by the record of the juvenile court, that Emil Mill or his wife were unfit guardians of Albert Mill to the extent that the court could say that it would be for the best interests of the child and the state to substitute some other person or the state as guardian of the child?

Fourth—Was it necessary in section 7 of the act which provides that adults who contribute to the delinquency of children are guilty of a misdemeanor, to specify that such offenders are entitled to a trial and to the rights and safeguards prescribed for other cases of misdemeanor?

Each of these points is fully and ably discussed and decided by the supreme court as follows:

First—It is held that the form of the proceeding in above cases prevents an inquiry as to whether it was competent to delegate the judge to a commission. The intimation in the opinion, however, is very strong that in a proper proceeding the court would hold that this was not competent. On account of this intimation, I should say that in any new legislation on the subject, if the idea of a city court is preserved, the appointment should be vested in the mayor and city council. On the other hand, if it is deemed advisable to make the court a county court, the appointive power should be vested in the county commissioners, and if made a state court the appointive power should be conferred upon the governor or in a commission to consist of the governor, superintendent of public instruction and the attorney general.

Also, the juvenile court jurisdiction could be exercised by the district court by providing for an additional district judge in districts where there is a large amount of work, and the second and third. In this connection, of course, there would be no question of appointment. In my judgment the necessary preservation of the idea of the court as the parental side of the state and helpful friend of the child would best be insured by placing its control in a state commission of the suggested composition. Also this should remove it as far as possible from petty politics.

Second—The most vital question in the case was whether the practice and procedure of the court in the trial of a juvenile delinquent was as formal as required by the law and the constitution. The court here followed a long line of splendid decisions, which very few courts have opposed or dissented from, and decisively adjudged that our juvenile court law contemplated an equity proceeding in which the judge sits virtually in the same capacity as the chancellor in early English history. That is to say, as the conscience or parent of the state, and can proceed in any manner thought by him best fitted to ascertain the facts with the purpose in view of advancing the best interests of the child. Accordingly, there need not be a warrant, complaint, arraignment, plea, opportunity to have counsel, the right to be confronted with the witnesses, a trial by jury or the right to appeal, and the delinquent may even be compelled to testify.

The delinquent, Albert Mills, was accorded none of the foregoing rights and safeguards and, because of this, he complained. The literal and logical construction of the court's decision is that this complaint is untenable. However, in any new legislation I believe it would tend to curb a possible abuse of the almost arbitrary power possessed by a juvenile court judge if a simple and workable procedure were devised which would insure the juvenile delinquent many of the most important of the safeguards which are enjoyed by the adult offender; especially would I deem this important in the event of admission to the bar is not made a qualification of the judge.

Moreover, I believe that in case the judgeship remains an appointive office, that the appointing power should require the appointee to carefully read the opinion of the supreme court and the cases therein cited, to the end that the juvenile court judges shall be saturated with the spirit and policy underlying the relation between a state and a child. Of course, in this connection it is apparent that this underlying principle would be more readily grasped and applied by one who has had training, then by a layman. Certainly, on the other hand, it is just as important that the judge should be saturated with a dominating, ubiquitous, loving interest in the child, and it is at least questionable whether an erudite knowledge of law and proper procedure might not well be sacrificed in behalf of such a qualification. The supreme court suggests a combination of a liberal amount of each. I believe, however, this suggestion should be a guide rather to the appointing power in each particular case than to the legislature in the framing of a general law on qualification, for there may be men who, though they are not lawyers, yet on account of their unselfish, sacrificial devotion to the cause of children, or from a wide successful experience in that field, should be given the fulcrum of the juvenile court bench with which to carry on their uplifting work.

Third—The third point, as heretofore stated, is also one of vast importance. The court holds that there are two questions to be determined in every proceeding against a juvenile.

First—Is the juvenile a delinquent within the meaning of the act?

Second—Even though there is no reference in the act to this point, the court, before passing any sentence or making any order, must determine whether the parents of the child are fit to be its guardians.

Since there are no provisions in the act relating to this question, and since it is founded upon the common law right of the parent to be the guardian of his children, Judge Brown had devised and adopted no procedure for adjudicating this question, and in the record which he certified to the supreme court, there was no finding by him that Emil Mill, the father, was an unfit or improper guardian. The supreme court holds, therefore, that the commitment of the child to the reform school without a determination on this point was an error, and for that reason annuls the

judgment committing the child to the reform school, but permits the court to proceed further, if it so desires, for the purpose of determining that question.

The effect of this holding by the court is to concede to the juvenile court practically the same jurisdiction as the district courts now have in matters relating to the guardianship of the child. It means also that the juvenile court must proceed with all the formality of notice and pleadings that are in vogue in the district courts for the purpose of determining and concluding the rights of the parent; and in order to settle the question of his rights to the guardianship of the child, the court must enter formal findings of fact and conclusions of law that the parent is unfit or unable to control, care for and properly bring up the child. It was probably on account of the importance of the right of guardianship over one's own child, a right which most parents place above all others, and on account of the fact that the jurisdiction over this question has heretofore been exercised exclusively by district courts, that the court suggests that it would be advisable, if not indispensable, to provide that the judge of the juvenile court must be a member of the bar. If the qualifications of the judge are to remain as they now are, my opinion is that there should be a provision in the law requiring a juvenile judge to certify to the district court for final judgment all cases in which the parent raises an objection to the sentence of the court.

Fourth—The court held that section 7, making a contribution by an adult to the delinquency of the juvenile a misdemeanor, is void because it fails to prescribe that such offender shall be proceeded against subject to the rights and safeguards guaranteed to like offenders by the constitution.

The court admits, however, that it is highly important to have such a provision as section 7 in any act relating to juvenile court. Accordingly, in any new legislation the essential features of section 7 should be preserved, but in this connection the act should provide for a trial of such offenders according to the form and procedure prescribed in other cases of misdemeanor.

Several constitutional questions of vast interest to lawyers and legislators are also passed on in the opinion, but they do not go to the merits of the juvenile court act, and for that reason need not be reviewed.

Upon the whole, the opinion will undoubtedly take a place in historical jurisprudence as a masterly and unanswerable vindication of juvenile court legislation, and will save to other states than our own this character of laws.

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Every Possible Skin Eruption Cured in Marvelously Quick Time by the New Calcium Treatment.

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Bolls have been cured in three days, and some of the worst cases of skin diseases have been cured in a week, by the wonderful action of Stuart's Calcium Wafers. These wafers contain their main ingredients the most thorough, quick and effective purifier known—calcium sulphide.

Most treatments for the blood and for skin eruptions are miserably slow in their results, and, besides, many of them are poisonous. Stuart's Calcium Wafers contain no poison or drug of any kind; they are absolutely harmless, and yet do work which cannot fail to surprise you. They are the most powerful blood purifier and skin clearer ever discovered, and they never derange the system.

No matter what you suffer from—pimples, blackheads, acne, red rash, blotches, rash, tetter or any other skin eruption, you can get rid of them long before other treatments can even begin to show results.

Don't go around with a humiliating, disgusting mass of pimples and blackheads over your face. A face covered over with these disgusting things makes people turn away from you, and breeds failure in your life work. Stop! Read what an Iowa man said when he woke up one morning and found he had a new face:

"By George, I never saw anything like it. There I've been for three years trying to get rid of pimples and blackheads and using everything under the sun. I used your Calcium Wafers for just seven days. This morning every blessed pimple is gone and I can't find a blackhead. I could write you a volume of thanks, I am so grateful to you."

You can depend upon this treatment being a never-failing cure.

Just send us your name and address in full, today, and we will send you a trial package of Stuart's Calcium Wafers, free to you, after you have tried the sample and been convinced that all we say is true, you will go to your nearest drugist and get a box and be cured of your facial trouble. They are in tablet form, and no trouble whatever to take. You go about your work as usual, and there you are—cured and happy.

Send us your name and address today and we will at once send you by mail a sample package free. Address: F. A. Stuart Co., 55 Stuart Bldg., Marshall, Mich.

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HUSLER'S FLOUR

But it not so easy nor so certain.

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YOUR PAINT TROUBLES. WE CAN CURE THEM.

20 E. FIRST SOUTH.

The Value of Your Eyes

Should be the sole consideration in having them tested for glasses. We examine your eyes free, in glasses, scientific in every way, and you will see what they are actually worth—no more.

H. KNICKERBOCKER, New Location, 18 Main Street.

Closing our entire line of furs and winter weight coats and suits at just half the regular prices.

Phones: Independent, 227; Bell EXCHANGE, 22. Call all departments.

WALKER'S STORE

Cut flowers—Fresh violets every day. Main street door. Open Sundays.

Remnants of all kinds of allover laces, trimmings, Persian beltings and laces at great reductions, to close.

Tremendous stock clearing sale in the "men's corner," prefaced by the finest neckwear offer you ever saw

A word in explanation—These ties were bought for the Holidays, a delay of nearly two months in transit brings them to us now. With hundreds of dollars' worth of spring neckwear even now on the road, we must close these out at once, even at a great loss.

Values we intended to sell at 50c and 75c regular will go Monday and while they last at, your choice **29c**

Values we intended to sell at \$1.50 regular will go while they last at, your choice **85c**

The fabrics are the very finest used in the production of neckwear. The patterns are exquisite, being the highest conceptions of high art designing known in the world. Come and see the display. The corner window will put you next to the splendor of the assortment.

Monday the great stock clearing sale begins. Early shoppers will have the advantage of more complete assortments.

There'll be splendid offers on neckwear, underwear, shirts, night shirts, fancy vests, etc.—the biggest men's furnishings sale the city has seen this year.

These mark-downs on shirts:		Underwear reductions of unprecedented magnitude.		Fancy vests wonderfully reduced:	
\$2.00 and \$2.50 values, this week, to go at, each	\$1.55	\$2.00 value natural grey shirts and drawers	\$1.55	\$5.00 vests, this week you select at, each	\$3.75
\$1.50 value, this week, to go at, each	\$1.15	\$1.50 quality buckskin shirts and drawers	\$1.15	\$4.50 vests, this week you select at, each	\$3.38
\$1.25 value, this week, to go at, each	85c	\$1.25 quality buckskin shirts and drawers	95c	\$4.00 vests, this week you select at, each	\$3.00
\$1.50 value. A very extra special, this week to go at	95c	\$1.50 Cooper ribbed shirts and drawers	\$1.15	\$3.00 vests, this week you select at, each	\$2.25
Outing night shirts reduced like this:		\$1.25 quality natural wool shirts and drawers	85c	\$2.50 vests, this week you select at, each	\$1.87
\$1.25 night shirts, this week, you choose at	95c	\$1.25 vienna shirts and drawers	85c	\$1.75 vests, this week you select at, each	\$1.31
\$1.00 night shirts, this week, you choose at	85c	75c quality fleece lined shirts and drawers	55c	Finest neckwear at almost half—	
65c night shirts, this week, you choose at	45c	50c quality brown, blue and tan ribbed shirts and drawers	40c	\$2.00 quality Imperial ties, very elegant patterns, choice	\$1.15
Handkerchiefs at great underprices:		50c quality, brown, blue and tan ribbed shirts and drawers	35c	\$1.50 quality Imperials, very elegant patterns, choice	95c
A splendid assortment of 35c and 50c handkerchiefs, you choose from either line at	25c	\$3.00 quality derby ribbed union suits	\$2.25	\$1.50 four-in-hands, choicest ideas for this season, choice	95c

Silk petticoat special		Walker's gloves for women		Elegant finished pillows at half-price	
A very superb line, designed with wide flounce, accordion pleated and with plain ruffle; colors are black, blue and green and red; splendid values at \$7.50 to \$10.00 each; choice this week at		Today we direct attention to three of our best lines—"Perrin's," "Reynier" and "Dent's," representing every good feature known in the glove world.		These superb creations are the highest types of the embroiderer's art; every one a beauty; values extend from \$12.50 to \$25 each. This week you choose at just half the regular prices.	
One particular line you should see is a washable chamois—in twelve and sixteen-button lengths—natural colors and white, a practical, comfortable and sensible glove, moderately priced.		The 12-button length, per pair \$2.50; the 16-button lengths, per pair		Handsome litho' pillow tops at 16c.	
Royal Worcester Corsets		Finest kid three-clasp overseas gloves, in all sizes and colors, priced exceptionally low at, the pair		These are, superb values, worth up to 75c each. Very large assortment of subjects.	
A splendid line in white and drab, modeled in the medium bust and long hip style; two pairs of supporters attached; a value that is excellent at \$1.25; special the week, your at		We protect our customers in every way, and suggest that selections be made now, as these low figures may not hold permanently.		See the new oval embroidery hoops. The latest invention for the convenience of the embroidery artist—much more easily handled than the old round kind. Art needlework section—East aisle—Main store.	

More reductions from the "busy basement"		Splendid savings from the domestic aisle	
Splendid 10-piece game or fish set—In dainty green and pink tints; a line that sells readily at \$4.00 the set; choice, Monday only		100-piece English semi-porcelain dinner set—This combination in three different designs; splendid value at \$11.75 the set; this week you choose at	
A pretty, full-size water bottle, worth 25c, for 19c.		Full size comforts, a splendid \$2.00 quality	
Blue enamelled ware closing at one-third off regular prices; a partial list of pieces—		Down comforts, fine French sateen covered, largest 6 by 7 size, special	
Seven tea pots, 3-quart size, worth 75c each, to close		Grey sheet cotton fleece blankets, special at	
Twelve pie plates, 9-inch size, worth 15c each, to close		Heavy white and colored twill flannel blankets, 11-4 size, worth \$2.00, special	
Thirty pie plates, 10-inch size, worth 20c each, to close		Feather pillows, 75c quality, 21½ pounds, size 18 by 26½, special	
Seven milk pans, 6-quart size, worth 30c each, to close		St. Mary's all wool white blankets reduced like this—	
Twelve milk pans, 8-quart size, worth 40c each, to close		\$8.00 quality, size 70 by 80, special	
Three rice boilers, 5-quart size, worth \$1.50 each, to close		\$9.00 quality, size 72 by 84, special	
Four dippers, No. 12, worth 25c each, to close		\$12.00 quality, size 72 by 84, special	
Three-lipped saucepans, No. 26, worth 60c each, to close			
Four-lipped saucepans, No. 28, worth 65c each, to close			

Toilet goods under-priced		The largest and finest assortment of Swiss curtains ever brought to Salt Lake City		Fancy goods reductions	
Colgate's honey, glycerine and oatmeal soaps, worth 10c the cake, special		1500 choice pairs to select from in this assortment. Choose at the following reductions. See them in the Main Street Windows—		Our entire stock of hand bags, in walrus, seal, imported pig, elephant, calf, etc. All new stock, handsome designs—	
Raleigh box paper, a splendid 25c value, special this week		Ruffled Swiss curtains, worth 50c the pair, 2½ yards long, special		Values 50c to \$25 each, to close at	
Splendid linen tablets, very excellent values, reduced as follows:		Plain ruffled Swiss curtains, splendid 65c pair, 2½ yards long		All belts, including leathers, silks, Kaiser, tailored and braids, worth 25c to \$5 each, to close at	
Regular 15c quality		White ruffled Swiss curtains, 2 yards long, some with full lace trimming, worth 75c the pair, special at		All bead collars and necklaces, worth from 50c to \$6 each, choice	
Regular 10c quality				A large assortment of fancy buttons, to close, at just half the regular prices.	
Castile soap, very best grade, worth 10c the cake, special, 3 for 20c, or, each		Ruffled Swiss curtains, 3 yards long, lace edge and embroidery insertion, worth \$1.50 the pair		Boys' wool sweaters	
Pinaud's poudre loria and Dr. Charles' face cream, worth the box		Ruffled Swiss curtains, in plain and Swiss effects, tucked with lace trimmings and Jacquard patterns, worth \$2.00 the pair, special		A splendid assortment in red, blue, white and fancy stripes. Splendid \$1.25 values to go at, each	
Fide camde, in white celluloid, very good 5c values, choice week at 2 for		Knit underwear for women and children at tremendously reduced prices		Splendid \$1.75 values to go at, each	
		It's a drastic clearance of all winter and early spring stock—Women's and misses' and children's knit underwear at reductions from 20 to 33 1-3 per cent off regular prices.		Juvenile section—Annex.	
		Items can not be mentioned in all cases, as especially in children's goods size governs price, but here are enough examples to illustrate the decisive measures taken to reduce the stock immediately—			
		Misses' Suits worth \$5.00, each			
		Misses' Swiss ribbed vests and pants, worth 60c to 85c the garment, now			
		Misses' union suits worth \$1.75 each, special			
		\$2.00 quality outside vests and pants reduced			
		50c and 65c quality outside vests and pants reduced			